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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/538,816

01/17/2006

Garry Brereton

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EXAMINER

WILHELM, TIMOTHY

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

01/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/538,816	Applicant(s) BRERETON ET AL.	
	Examiner Timothy D. Wilhelm	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-15 and 37-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-15 and 37-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/26/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action was made in response to an amendment filed by Applicant on 9/26/2008.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,4-8,12-15, 37-39, and 42-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frey (6,039,336) in view of Pierce (5,203,585). Frey discloses a forged suspension trailing arm for a heavy vehicle comprising an integral axle locating formation that fully encircles and is welded to an axle 1 of a vehicle, a chassis mounting formation 10, and a recessed portion for facilitating fitment of a braking component 13, wherein the axle locating formation is formed of a first section and a second section, said first section including a portion of the axle locating formation and the chassis mounting formation 10 and said second section includes another portion of the axle locating formation and a bracket for mounting a spring. With regard to claim 37, the trailing arm is C-shaped, as can be seen in Fig. 1. Frey discloses the present invention except for the trailing arm being cast or forged. Pierce teaches a trailing arm for a vehicle suspension system wherein said trailing arm may be formed as a forged steel beam or alternatively may be cast from a suitable cast steel (column 3, lines 20-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the trailing arm of Frey with the teaching of Pierce such that the trailing arm is either cast or forged to better ensure a high strength of the trailing arm.

With regard to claim 48, it would have been obvious to form the trailing arm of two pieces welded together since it has been held that it is well known in the art to form trailing arms from multiple parts welded together.

3. Claims 1,8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chalin et al (7,007,960) in view of Pierce (5,203,585). Chalin et al disclose a C-Shaped trailing arm comprising an axle locating formation 12 having openings 40 in the front and back of said formation. Chalin et al disclose the present invention except for the trailing arm being cast or forged. Pierce teaches a trailing arm for a vehicle suspension system wherein said trailing arm may be formed as a forged steel beam or alternatively may be cast from a suitable cast steel (column 3, lines 20-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the trailing arm of Chalin et al with the teaching of Pierce such that the trailing arm is either cast or forged to better ensure a high strength of the trailing arm.

4. Claims 3,10,11,40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frey and Pierce as applied to claims 1,4-8,12-15, and 37-39 above. Frey discloses the claimed invention except for a thickness of the suspension trailing arm being a certain specified thickness or the bending strength of the trailing arm being greater in certain areas. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form a thickness of the suspension trailing arm to be a certain thickness or make the bending strength of the trailing arm greater in

certain areas, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Response to Arguments

5. Applicant's arguments filed 9/26/2008 have been fully considered but they are not persuasive. Applicant argues that the trailing arm of Frey is not c-shaped. However, upon viewing Fig. 1 of Frey, it may be noted the portion of the trailing arm labeled by reference numeral 6 has a c-shaped cross-section, as may be viewed by the end of the trailing arm. Thus, Examiner maintains the rejection. With regard to the suspension trailing arm being cast or forged, this limitation was not given patentable weight before because it was simply listed in the preamble of the claims as well as the method of forming the trailing arm being a choice of design and thus not usually given patentable weight. However, to further ensure that the method of forming the trailing arm through casting or forging is an obvious method of forming the trailing arm, Pierce has been added to the rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy D. Wilhelm whose telephone number is 571-272-6980. The examiner can normally be reached on 9:00 AM to 5:30 PM Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on 571-272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/
Supervisory Patent Examiner, Art Unit 3616

Timothy D Wilhelm
Examiner
Art Unit 3616

/Timothy D Wilhelm/
January 2, 2009